



EFW2818

PATENT
89165.0013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Daisuke KATO, et al.

Serial No: 10/657,790

Filed: September 8, 2003

For: SEMICONDUCTOR MEMORY DEVICE

**TERMINAL DISCLAIMER TO OBLVIAE A
DOUBLE PATENTING REJECTION (37 C.F.R.
§ 1.321(c))**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit: 2818

Examiner: David Lam

I hereby certify that this correspondence
is being deposited with the United States
Postal Service with sufficient postage as
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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on

July 22, 2004

Date of Deposit:

Anthony J. Orler, Reg. No. 41,232

Name

07/22/04

Signature

Date

Dear Sir:

IDENTIFICATION OF PERSON MAKING THIS DISCLAIMER

I, Anthony J. Orler, represent that I am

- an applicant
- an assignee
- a representative authorized to sign on behalf of the assignee identified below owning all of the interest in this application.

The assignee is:

Name of assignee

Kabushiki Kaisha Toshiba

Address of assignee

1-1, Shibaura 1-chome,
Minato-ku, Tokyo 105-8001 JAPAN

Title of disclaimant
authorized to sign on
behalf of assignee

Attorney of Record

RECORDAL OF ASSIGNMENT IN PATENT OFFICE

- The assignment was recorded on July 29, 2002 at

Reel No. 013126

Frame No(s). 0982

authorization for recordal of the assignment is separately attached

EXTENT OF INTEREST

The extent of my (our) interest is in

- the whole of this invention
- a sectional interest in this invention as follows:

DISCLAIMER

Kabushiki Kaisha Toshiba hereby disclaims the terminal part of a patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of:

- United States Patent No. 6,646,932 as presently shortened by any terminal disclaimer
- any patent granted on application serial No. ___,

and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

- United States Patent No. 6,646,932
- any patent granted on application serial No. ___,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Kabushiki Kaisha Toshiba does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

- United States Patent No. 6,646,932 as presently shortened by any terminal disclaimer
- any patent granted on application serial No. ___,

in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

FEE STATUS
(37 C.F.R. § 1.20(d))

- Other than small entity
 Small entity
 verified statement attached
 verified statement filed _____

FEE PAYMENT

- Attached is a check in the sum of \$ 110.00.
 If it should be determined that for any reason either an insufficient fee or an excessive fee has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-1314. A copy of this petition is enclosed.
 Charge Account No. 50-1314 the sum of \$ -0-. A duplicate of this disclaimer is attached.

Undersigned further declares that the evidentiary documents establishing ownership by the assignee have been reviewed and certifies that to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: July 22, 2004



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